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Sector 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Andreas Werner Speitling

Application No.: 10/005,054

Filed: December 3, 2001

For: DEVICE FOR USE WITH THERAPEUTIC OR
SURGICAL INSTRUMENTS, IMPLANTS
AND EQUIPMENT THEREFOR

Commissioner for Patents
Washington, DC 20231

COPY OF PAPERS
ORIGINALLY FILED

Docket No.: OSTEONICS 3.0-349
(PATENT)

Group Art Unit: 3738

Examiner: Not Yet Assigned

TECHNOLOGY CENTER 3700

APR 24 2002

RECEIVED

Dear Sir:

Applicants received a Notice of Omitted Item(s) in a Non-provisional Application filed under 37 C.F.R. § 1.53(b)(2), which indicated that pages 1 and 2 of the specification had been omitted. Applicant hereby petitions the determination that such pages were missing. The undersigned's file copy of the documents as filed includes pages 1 and 2. A copy of the undersigned's file copy, including pages 1 and 2 of the above-captioned application is attached.

Also attached is the Declaration of Ms. Sharon McGee who prepared, copied and placed the application copy in the file. Ms. McGee gave the original application to Ms. Phyllis Kelly.

Also attached hereto is the Declaration of Ms. Phyllis Kelly, Manager, U.S. Patent and Trademark Administration for the undersigned's firm of Lerner, David, Littenberg, Krumbholz and Mentlik. Ms. Kelly has been employed by the firm for 25 years and is meticulous in her responsibilities as Manager. Without repeating the statements made by Ms. Kelly in her Declaration, it is clear therefrom that Ms. Kelly received an intact copy of the application from Ms. McGee, reviewed and confirmed the contents of same, placed the application in the sealed mail envelope and placed the envelope in the hands of a clerk, who routinely mails such matters to the United States Patent and Trademark Office.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: February 27, 2002

Signature: *[Signature]*
(Raymond W. Augustin)

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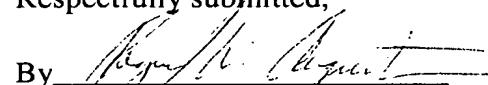
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Therefore, based on the evidence contained in our files and our normal business practice, we hereby contend that the application identified in the caption was mailed out in a complete fashion with pages 1 and 2 included. Therefore, Applicant asks that pages 1 and 2 be reinserted as part of the Non-provisional Application.

Should there by any question with regard to the foregoing, please feel free to contact the undersigned at (908) 654-5000. Please charge our Deposit Account No. 12-1095 in the amount of \$130.00 covering the fee set forth in 37 C.F.R. § 1.53(b)(2). However, should any further fee be due and owing, you are hereby authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 27, 2002

Respectfully submitted,

By 
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